

**REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-23 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

**Rejection under 35 U.S.C. § 102**

Claims 17-23 stand rejected under 35 U.S.C. § 102 as being anticipated by Horng (U.S. Patent 6,462,443). This rejection is respectfully traversed.

The Examiner points out that the Horng reference includes a chassis 4, a stator 1, a rotor 5 and a motor controller 3. The Examiner further points out that the container 11 is directly mounted on the stator and has a slot 15. Applicants disagree that this reference teaches all of the features of amended claim 17.

Claim 17 now describes the container as being directly mounted on and protruding from the stator. This differs from the Horng device where the controller is disposed in the recess 15 of the stator bobbin 11. Since the present claim 17 describes the container as protruding from the stator, there is no such corresponding element in Horng. Accordingly, Applicants submit that amended claim 17 is not anticipated by the Horng reference.

Claims 18-23 depend from claim 7 and as such are also considered to be allowable. In addition, each of these claims recite other features of the container or motor controller and as such are also considered to be allowable.

**Rejection under 35 U.S.C. § 103**

Claims 1-3 and 7 stand rejected under 35 U.S.C. § 103 as being obvious over Shirotori (U.S. Patent 4,818,907) in view of Horng and further in view of Muller (U.S. Patent 4,554,473). This rejection is respectfully traversed.

The Examiner points out that the Shirotori reference has a container for mounting a sensor or a spindle motor having a chassis where the container 7 has a

main body directly mounted on the chassis of the motor and the slot 1B to receive the motor sensor. The Examiner admits that Shirotori does not show the motor being a heat dissipating device or that the sensor is the motor controller.

The Examiner relies on Horng to show that the sensor can be made with the integrated circuit. Muller teaches that the spindle motor can be made as a heat dissipating device for the purpose of reducing heat. The Examiner feels it would have been obvious to one skilled in the art to modify the Shirotori device to include the teachings of Horng and Muller.

Applicants disagree that the claims are obvious over this combination of references. Shirotori teaches a sensor 6 which is disposed on a circuit board 19 which can be received in a hole 1B of the stator device. This structure is similar to the prior art device shown in Figure 1B of the present application. However, the present claimed invention includes a container directly mounted on the chassis of the heat dissipating device. The hole of Shirotori is not a container and is not directly mounted on the chassis. The Horng and Muller references also do not show such a container mounted on the chassis. Accordingly, Applicants submit that claim 1 is not obvious over this 3-way combination of references.

Claims 2-7 depend from claim 1 and as such as also considered to be allowable. In addition, each of these claims recite other features of the container. Accordingly, these claims are considered to be additionally allowable.

Claims 4-6 stand rejected under 35 U.S.C. 103 as being obvious over Shirotori in view of Horng and Muller as above and further in view of Doemen et al. (U.S. Patent 4,482,849). This rejection is respectfully traversed.

The Examiner relies on Doemen et al. to show a hook for mounting the container easily. However, even if this reference does show such a hook, it does not aid the other references in overcoming their deficiencies noted above.

Claims 8-10, 14 and 15 stand rejected under 35 U.S.C. 103 as being obvious over Hoover et al. (U.S. Patent 4,910,420) in view of Horiuchi et al. (U.S. Patent 5,969,445). This rejection is respectfully traversed.

The Examiner relies on the Hoover reference to show a heat dissipating device having a chassis 80, a stator 72, and rotor 54 and a motor controller 108. The Examiner admits that Hoover et al. does not show a container directly mounted on the chassis and having a slot to receive the motor controller.

The Examiner cites Horiuchi et al. to show a container 45 directly mounted on the chassis 46 and having a slot to receive the switching device for the purpose of reducing heat. The Examiner feels it would have been obvious to include a container as taught by Horiuchi et al. in the Hoover et al. device.

First, Applicant does not understand how the Examiner is applying the Horiuchi et al. reference. The Examiner has referred to container 45 directly mounted on chassis 46. However, according to column 3, lines 24-26, the case housing 45 is constituted of an upper case member 46, a lower case member 50, and the lid body 47. Thus, Applicants submit that element 45 is not a container and that it cannot be mounted on element 46 because it includes it. Further, Applicants do not see that these elements are close to the hall elements 20 which are mounted near the lower end of the shaft. Accordingly, Applicants submit that this reference does not show such a container at all.

In the Hoover et al. device, the motor controller 108 is mounted on a circuit board and thus also does not meet the terms of the present claims. Further, Applicants submit that even the combination of Hoover et al. and Horiuchi et al. does not show a container directly mounted on the chassis. Applicants submit that claim 8 is allowable.

Claims 9-16 depend from claim 8 and as such are also considered to be allowable. Each of these claims recite other features of the container which makes them additionally allowable.

The Examiner rejected claims 11-13 as being obvious over Hoover et al. in view of Horiuchi et al. and further in view of Doemen et al. This rejection is respectfully traversed.

The Examiner cites Doemen et al. does show hooks and holes to mount the container. Applicants submit that even if this reference does show this feature, the claims are still allowable since the Doemen et al. reference does not aid the other references in overcoming their deficiencies.

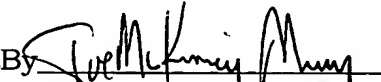
### **Conclusion**

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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